

and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Lord Chesterfield Brand Pure Preserves Strawberry Contents 12 Ozs. [or "2 Pounds"] Ruby Canning Co., Ruby, S. C."

The article was alleged to be misbranded in that the statements on the labels, "Contents 12 Ozs." and "Contents 2 Pounds", were false and misleading and tended to deceive and mislead the purchaser when applied to a product packed in jars containing less than said amounts; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity was not stated correctly.

On June 10, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be delivered to a charitable institution.

W. R. GREGG, *Acting Secretary of Agriculture.*

26042. Misbranding of preserves. U. S. v. 73 Cases of Preserves. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37467. Sample nos. 48866-B, 48867-B, 63719-B, 63720-B.)

This case involved interstate shipments of strawberry preserves, the packages of which were found to contain less than the weight stated on the label.

On April 1, 1936, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 73 cases of strawberry preserves at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about May 25, July 29, and October 14, 1935, by the Ruby Canning Co., from Ruby, S. C., and that it was misbranded in violation of the Food and Drugs Act as amended. The article, contained in jars, was labeled: "Lord Chesterfield Brand Pure Preserves Strawberry Contents 16 Ozs. [or "Contents 2 Pounds"] Ruby Canning Co., Ruby, S. C."

The article was alleged to be misbranded in that the statements, "Contents 16 ozs." and "Contents 2 Pounds", were false and misleading and tended to deceive and mislead the purchaser when applied to a product that was short in weight; and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On April 23, 1936, the Ruby Canning Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

26043. Adulteration and misbranding of olive oil. U. S. v. 11 Cans of Alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 37480. Sample no. 61085-B.)

This case involved an interstate shipment of so-called olive oil that contained tea-seed oil.

On March 27, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cans of so-called olive oil at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about March 12, 1936, by the Italian Importing Corporation from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Net Contents One Gallon L'Italia Redenta Brand Pure Olive Oil * * * L'Italia Redenta Olive Oil Co., N. Y."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed with the article so as to reduce or lower its quality or strength; and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements and designs appearing upon the label were false and misleading and tended to deceive and mislead the purchaser, when applied to a product containing tea-seed oil: Designs of olive leaves and olives, a map of Italy, the Italian national colors, and the statements, "L'Italia * * * Pure Olive Oil * * * Our olive oil is guaranteed by us to be absolutely pure under any chemical analysis * * * L'Italia * * * Il nostro olio di olivo e da noi garentito sotto qualsiasi analisi chimica assolutamente puro L'Italia." The article was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, olive oil.

On May 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26044. Misbranding of canned peas. U. S. v. 266 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 87481. Sample nos. 70611-B, 70612-B.)

This case involved canned peas that fell below the standard established by this Department because they were not immature, as evidenced by the presence of an excessive percentage of ruptured peas, and which were not labeled to indicate that they were substandard.

On March 28, 1936, the United States attorney for the district of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 266 cases of canned peas at Trenton, N. J., alleging that the article had been shipped in interstate commerce on or about August 22, 1935, by Phillips Packing Co., Inc., from Cambridge, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Saleco Brand Early June Peas * * * Phillips Sales Co., Inc., Cambridge, Md., U. S. A. Distributors."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On June 12, 1936, the Phillips Sales Co., Inc., having appeared as claimant and having consented to an entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

26045. Adulteration of walnut meats. U. S. v. 40 Cartons of Walnut Meats. Consent decree of condemnation. Product released under bond. (F. & D. no. 37485. Sample no. 65286-B.)

This case involved shipment of walnut meats that were in part worm-eaten, moldy, and decomposed.

On March 27, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cartons of walnut meats at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 4, 1936, by D. Granton & Co., from Wilmington, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ord Granton and Co. Ntfy Crescent Mfg. Co. Seattle, Wash."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On April 13, 1936, Granton & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that the good nuts be separated from the bad and the latter destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26046. Misbranding of canned tomatoes. U. S. v. 362 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37487. Sample no. 59189-B.)

This case involved an interstate shipment of canned tomatoes that fell below the standard established by the Department of Agriculture because they were not normally colored and normally flavored and they were not labeled to indicate that they were substandard.

On March 30, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 362 cases of canned tomatoes at El Reno, Okla., alleging that the article had been shipped in interstate commerce on or about October 6, 1935, by Chas. L. Diven, Inc., from Gentry, Ark., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled: "Cream of the Valley Brand Hand Packed Tomatoes Contents 1 Lb. 3 Oz. Cream of the Valley Supreme Chas. L. Diven, Inc. Main Office Gentry, Ark."